

Docket No.: 7539CO2

OFFICIAL**REMARKS**

This is in reply to the Office Action mailed on April 1, 2004.

Claims 1-10 are currently pending.

Claims 1-10 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-5 of U.S. Patent No. 6,641,624.

Claims 1, 3-5 and 9-10 are rejected under 35 U.S.C. § 102(b) over Patent No. 5,487,764 ("Ford").

Claims 1, 9 and 10 are rejected under 35 U.S.C. § 102(b) over Patent No. 4,421,520 ("Matthews").

Claims 1, 3-5 and 10 are rejected under 35 U.S.C. § 102(b) over Patent No. 4,863,485 ("Schaffer").

Claims 1-9 and 10 are rejected under 35 U.S.C. § 102(b) over FR2683544.

Claim 9 is rejected under 35 U.S.C. § 103(a) over Patent No. 4,863,485 ("Schaffer") or FR2683544 and further in view of Patent No. 5,487,764 ("Ford").

Claims 6-8 are objected to as being dependent on a rejected base claim.

Claims 2 and 9 are cancelled to reduce the matters at issue.

Claim 1 is amended to particularly point out and distinctly claim subject matter which Applicants regard as their invention.

No new matter is added by this amendment.

Docket No.: 7539CO2

OFFICIAL**DISCUSSION****The Obviousness-Type Double Patenting Rejection of Claims 1-10**

Claims 1-10 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-5 of U.S. Patent No. 6,641,624.

Applicants submit herewith a Terminal Disclaimer under 37 C.F.R. § 1.321(c) over commonly-owned U.S. Patent No. 6,641,624. Accordingly, Applicants respectfully request withdrawal of the double patenting rejection.

The Rejection of Claims 1, 3-5 and 9-10 under 35 U.S.C. § 102(b) over Patent No. 5,487,764

Claims 1, 3-5 and 9-10 are rejected under 35 U.S.C. § 102(b) over Patent No. 5,487,764 ("Ford").

Ford teaches a fuel product comprising stockpile coal fines, methyl ethyl ketone (solvent) and an aqueous emulsion of polyvinyl acetate. The components are blended until the mixture is homogeneous. See abstract; col. 1, lines 43-52; Example 1; col. 5, lines 15-24; claim 4.

Accordingly, Ford teaching all the limitations of the claims anticipates the claims.

Office Action at page 3.

Applicants respectfully traverse this rejection.

Applicants have cancelled claim 9 and amended claim 1 to limit the reactive polymers to ethylene/vinyl acetate copolymers and limit the treated coal to run of mine coal. Support for this amendment is found in original claim 2 and the examples. Accordingly, as the claims do not recite use of polyvinyl acetate or treatment of coal fines, Applicants respectfully request withdrawal of the rejection of claims 1, 3-5 and 9-10 under 35 U.S.C. § 102(b) over Ford.

Docket No.: 7539CO2

OFFICIALThe Rejection of Claims 1, 9 and 10 under 35 U.S.C. § 102(b) over Patent No. 4,421,520

Claims 1, 9 and 10 are rejected under 35 U.S.C. § 102(b) over Patent No. 4,421,520

("Matthews"). In particular, the Examiner states

Matthews teaches a fuel product comprising run of mine coal and a deactivating dispersion of polyvinyl acetate, or vinyl acetate/acrylic copolymers. The coal and deactivating fluid are mixed in a vessel (see abstract; col. 2, lines 3-7, 13-22; col. 5, lines 31-62).

Accordingly, Matthews teachings all the limitations of the claims anticipates the claims.

Office Action at page 3.

Applicants respectfully traverse this rejection.

Applicants have cancelled claim 9 and amended claim 1 to limit the reactive polymers to ethylene/vinyl acetate copolymers. Support for this amendment is found in original claim 2 and the examples. Accordingly, as the claims do not recite treatment of coal with polyvinyl acetate or vinyl acetate/acrylic copolymers, Applicants respectfully request withdrawal of the rejection of claims 1, 9 and 10 under 35 U.S.C. § 102(b) over Matthews.

The Rejection of Claims 1, 3-5 and 10 under 35 U.S.C. § 102(b) over Patent No. 4,863,485

Claims 1, 3-5 and 10 are rejected under 35 U.S.C. § 102(b) over Patent No. 4,863,485

("Schaffer"). In particular, the Examiner states

Schaffer teaches a fuel product of coal and an aqueous emulsion of polyvinyl alcohol. The mixture may contain at least 1 percent by weight of water. The components are mixed together until a homogeneous mixture is obtained. See abstract; col. 3, lines 10-15, 51-65; col. 4, lines 31-55; col. 5, lines 30-39.

Accordingly, Schaffer teaching all of the limitations of the claims anticipates the claims.

Office Action at page 3.

Applicants respectfully traverse this rejection.

Docket No.: 7539CO2

OFFICIAL

Applicants have amended claim 1 to limit the reactive polymers to ethylene/vinyl acetate copolymers. Support for this amendment is found in original claim 2 and the examples. Accordingly, as the claims do not recite treatment of coal with aqueous emulsions of polyvinyl alcohol, Applicants respectfully request withdrawal of the rejection of claims 1, 3-5 and 10 under 35 U.S.C. § 102(b) over Matthews.

The Rejection of Claims 1-9 and 10 under 35 U.S.C. § 102(b) over FR2683544.

Claims 1-9 and 10 are rejected under 35 U.S.C. § 102(b) over FR2683544. In particular, the Examiner states

FR teaches a fuel product comprising coal fines, a polymeric binder (polyvinyl acetate, ethylene/vinyl acetate copolymers or mixtures thereof). The binder is in the form of an emulsion. In the case of aqueous formulation, additional water is present in the mix. The coal, binder and water are mixed in a kneader. See abstract, page 4, ninth paragraph; page 5, third and fourth paragraphs; page 6, first full paragraph and paragraphs 3 and 5; and Examples.

Accordingly, FR teaching all the limitations of the claims anticipates the claims.

Office Action at page 4.

Applicant respectfully traverse this rejection.

Applicants have cancelled claim 9 and amended claim 1 to limit the treated coal to run of mine coal. Support for this amendment is found in the examples. Accordingly, as the claims do not recite treatment of coal fines with ethylene/vinyl acetate copolymers, Applicants respectfully request withdrawal of the rejection of claims 1, 9 and 10 under 35 U.S.C. § 102(b) over Matthews.

The Rejection of Claim 9 under 35 U.S.C. § 103(a) over Patent No. 4,863,485 or FR2683544 and further in view of Patent No. 5,487,764

Claim 9 is rejected under 35 U.S.C. § 103(a) over Patent No. 4,863,485 ("Schaffer") or FR2683544 and further in view of Patent No. 5,487,764 ("Ford").

Applicants respectfully traverse this rejection.

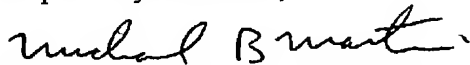
By this amendment, Applicants have cancelled claim 9, thereby rendering this rejection moot.

Docket No.: 7539CO2

OFFICIAL**CONCLUSION**

In view of the foregoing amendment and remarks and the accompanying Terminal Disclaimer, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 103(a) and the judicially-created doctrine of double patenting and respectfully assert that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully Submitted,



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